

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Alan Lee DelVecchio,

Petitioner,

v.

Civil No. 08-2220 (JNE/JSM)
ORDER

Timothy Wengler,

Respondent.

In a Report and Recommendation dated June 14, 2011, the Honorable Janie S. Mayeron, United States Magistrate Judge, recommended that Petitioner's Petition for Habeas Corpus by a Person in State Custody be dismissed with prejudice. Petitioner filed an objection to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 38]. Therefore, IT IS ORDERED THAT:

1. Petitioner's Petition for Habeas Corpus by a Person in State Custody [Docket No. 38] is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 25, 2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge